



**IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA**

GREGORY SMITH,  
an individual,

Plaintiff,

v.

THE CITY OF DEL-CITY,  
a municipal corporation.

Defendant.

FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

AUG - 5 2020

RICK WARREN  
COURT CLERK

36

Case No. CJ-2020-3814

**APPLICATION FOR EMERGENCY RESTRAINING ORDER**

Comes now Gregory Smith, Plaintiff, and for his Application for Temporary Restraining Order, she states as follows:

1. Reference is made to Petitioner's Petition on file and pending herein. All allegations contained therein are incorporated herein and are adopted by reference.

2. On July 31<sup>st</sup>, 2020, the Plaintiff's Tenant were threatened with forcible removal and arrest from their home of 7 years, unless access to the property is permitted and the Tenants purchased trash utilities. In 2014, the Tenants inquired as to purchasing trash utilities but were told that since they had a water well, trash would not be available to them through the city. The individual will be forced out of the home by the Del City Police unless the Judge of the District Court Grants Plaintiff's Request for a Temporary Restraining Order, including all condemnation proceeding and or other activities, against The City of Del City, its employees, agents, and contractors until a Permanent Injunction can be ordered.

4. Plaintiff believes that the Defendant's ordinances is contrary to state law and due process rights granted under the Federal and State Constitutions. Moreover, the Plaintiff states that the ordinance under which the Defendant is operating is contrary to the Oklahoma State Statutes, the Oklahoma State Constitution and the United States Constitution.

5. Plaintiff requests the Court conduct its immediate hearing upon the foregoing requests for immediately effective temporary order forbidding the City of Del City, its employee, agents, or contractors from conducting any further activities with regards to the condemnation or other on or about the above noted property, at such hearing, the above requested temporary orders should be reentered and confirmed as a Temporary Injunction as defined in 12 O.S. § 1382.

WHEREFORE, Plaintiff requests that the Court conduct a hearing upon Plaintiff's Application for Restraining Order; that the requested orders above set forth be entered herein; that, upon further hearing upon said Application For Temporary Restraining Order, the effective orders be granted until such time the Court decides otherwise. Moreover, Plaintiff request attorney's fee, costs, and all further ancillary and proper relief as is warranted by the evidence and circumstances presented.

Respectfully submitted:



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Attorney for Petitioner

#### NOTICE OF HEARING

Be advised that a hearing on the above Application will be heard on August 10 2020  
at 1:30 PM In Court room. 325, Judge Cyden.

#### CERTIFICATE OF SERVICE

This is to certify that on this 5<sup>th</sup> day of August 5, 2020, a true and correct copy of the above and foregoing Petition and application for Temporary Order was hand delivered or/and mailed certified, postage prepaid, to:

The City Clerk of Del City.  
Attention: City Clerk  
3701 S.E. 15<sup>th</sup>, Street  
Del City, Oklahoma 73102

Beverly Palmer  
3701 SE 15th St  
Del City, OK 73115  
Oklahoma County  
Attorney for the Defendant

Attorney General of Oklahoma  
313 N.E. 21st Street  
Oklahoma City, Oklahoma 73105

Approved:



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Phillip Scott Spratt  
The Spratt Law Firm  
333 NW 5th St, Suite 415  
Oklahoma City, OK. 73102

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Case No.

**TEMPORARY RESTRAINING ORDER**

**Comes Now**, Gregory Smith, on August \_\_, 2020, Plaintiff, and for her Application for Temporary Restraining Order. The parties present the following agreed order as follows:

1. A Temporary Restraining Order is hereby issued against the Defendant concerning their enforcement of the International Property Maintenance Code.
2. The Defendant, its employees, agents is hereby restrained from all condemnation proceeding and or any other activities involving the condemnation of the Plaintiff's property, including criminal action.
3. The Defendant, its employees, and agents are hereby restrained from inspecting or trespassing until the Plaintiff's property.
4. The Defendant is enjoined from inspecting or issuing directives concerning the standards of habitability or living conditions of the Plaintiff property.
6. This order does not prohibit the Defendant from performing their normal municipal activities of law enforcement or other safety duties, such as in the case of fire or protecting the Plaintiff property from vandals, trespass, or other threats.
7. The parties may decide not to follow this order through a signed agreement.
8. Costs and Attorney fees reserved.

**IT IS SO ORDERED**

Signed on August \_\_, 2020.

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JUDGE OF THE DISTRICT COURT

Approved For Entry:

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